

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ATTICUS MANAGEMENT LLC,

Plaintiff,

Civil Action No. 07 CV 9730 (RPP)

-against-

ATTICUS INVESTMENTS LLC,
CRESCENT FUND, LLC, JEFFERY STONE
and JANETTE DILLER STONE

Defendants.
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ORDER

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: <u>3/13/08</u>

WHEREAS, Plaintiff Atticus Management LLC ("Plaintiff") seeks an order allowing alternative service of process upon Defendant Jeffery Stone pursuant to Rule 4(f)(3) of the Federal Rules of Civil Procedure; and

WHEREAS, the Plaintiff has presented declarations and other evidence in support of its application to show that Stone has evaded service; and

WHEREAS, the alternate service requested does not appear to violate any international agreement, it is hereby

ORDERED that the Plaintiff has shown that it has made reasonable efforts to serve Stone through ordinary process pursuant to Rule 4 of the Federal Rules of Civil Procedure; and it is further

ORDERED that the Plaintiff may serve Defendant Jeffery Stone by any of the following alternative means:

1. Send a copy of the summons and complaint via email to crescentfund@crescentfund.com and wakabayashi@wakabayashifund.com
2. Personally serve a copy of the summons and complaint on:
Steven Kaplan, Esq.
Rosenfeld & Kaplan, LLP
535 Fifth Avenue
New York, NY 10017
3. Send a copy of the summons and complaint via certified mail to:
Jeffery Stone
c/o Crescent Fund
110 Wall Street, 11th Floor
New York, NY 10005

4. Send a copy of the summons and complaint via regular mail to:
Jeffery Stone
262 Kamiosaki, Shinagawa-ku
Tokyo, Japan 141 0021

ORDERED that the service listed above shall be sufficient pursuant to Federal Rule 4(f).

SO ORDERED

March 12, 2008
New York, New York


Honorable Robert P. Patterson